

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1318 of 1987

With

SPECIAL CIVIL APPLICATION NO 4220 OF 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

=====

1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

-----  
G.S.R.T.

Versus

DHANA HADA BORKHETARIA

-----  
Appearance:

MR HARDIK C RAWAL for Petitioner

MR HK RATHOD for Respondent No. 1

-----  
CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 09/07/1999

COMMON ORAL JUDGEMENT

Present orders shall govern the disposal of these two petitions which have been directed against the very same award. Spl.C.A. No. 1318 of 1987 has been taken out by the petitioner, the Gujarat State Road Transport Corporation, Ahmedabad. The grievance of the petitioner is that the part of the award under which the reinstatement has been granted does not appear to be in consonance with the law and facts which would govern the field. Spl.C.A. No. 4220 of 1992 has been taken out by

the petitioner saying that, he was entitled to the back-wages.

Both these petitions were ordered to be heard together. I have heard Ld. counsel Mr. H.K. Rathod who appears for the workman and Ld. counsel Mr. Hardik Rawal who appears for Ld. counsel Mr. S.N. Shelat, who appears for the Corporation. It appears that the award saying that the workman should be reinstated has been duly implemented. He has been reinstated with effect from April 14, 1987. Though Spl.C.A. No. 1318 of 1987 came to be filed in year 1987, the first orders came to be passed only on January 17, 1991, meanwhile the reinstatement came to be given to the workman. It therefore appears that now no grievance could be made by the petitioner Corporation in Spl.C.A. No. 1318 of 1987.

So far as the grievance of the petitioner workman for the backwages is concerned, it requires to be appreciated that he was claiming backwages for about three years. Looking to the facts and circumstances and also looking to the allegations levelled against him, which ultimately have been accepted, it appears that there is no justification in the grievance being made by the petitioner for having the benefit of the backwages.

The net result is that, both the petitions stand dismissed. Rule shall stand discharged in both the petitions. No costs.

-----

/vgn.